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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,617	12/21/2000	Robert E. Bolitsky	54609USA8B.006	3525

7590 06/18/2002

Office of Intellectual Property Counsel  
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PO Box 33427  
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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/18/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-36 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 21-31 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit 1771

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, in claim 21, line 3 "adjacent" is unduly vague and indefinite with respect to the believed fixed relationship which must exist between the pieces of veneer throughout the utilization of the formed structure in its intended work environment. In claim 24, line 1 after "bonded" it is believed --to-- should be inserted.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 21-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/55280. The reference discloses

Art Unit 1771

(note particularly the Abstract, page 2 lines 6-19, page 4 line 5 - page 5 line 3, page 5 line 26 - page 6 line 12, page 11 line 20 - page 12 line 9, page 13 lines 1-24, page 16 lines 3-21, page 19 line 18 - page 20 line 18, Examples, claims 4 and 7) scattered throughout its disclosure embodiments which are substantially an anticipation of at least applicants' broad claim which require maintaining a plurality of wood veneer substrates in fixed relationship to each other by applying a suitable adhesive tape, preferably a pressure sensitive adhesive tape utilizing either a rubber based or acrylic based adhesive to maintain the substrates in fixed relationship to each other. The tape is capable of maintaining the wood veneer substrates in a fixed relationship to each other before and during a lamination process and is preferably cleanly removeable from the substrates following the lamination process. Note however (e.g., page 13, lines 1-6; and page 15, lines 9-23) that the adhesive compositions may be modified by manipulating the level of ~~b~~<sup>t</sup>ack and the degree of cross-linking to yield a suitable adhesive composition exhibiting the requisite properties. That is, although the reference does not appear to prefer embodiments which permit a significant amount of adhesive to remain on the wood veneer substrates, to do so is still within the skill of the art. Additionally, with respect to the performance parameters of an adhesive being required to function under specified pressures and temperatures

Art Unit 1771

for desired periods of time, these are each believed to be, if not inherent in the substantially similar adhesive compositions disclosed by the reference to those which applicants employ, at most an obvious optimization to one of ordinary skill who would know the requisite adhesive performance properties that would be desired during usage. With respect to the dependent claims not either disclosed or which are inherent in the above set forth analysis, these are each believed to be obvious optimizations to one of ordinary skill, in the absence of unexpected results.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also the parent divisional, Bolitsky et al., Davidson et al., and Newell.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Serial No. 09/746,617

-5-

Art Unit 1771

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

June 11, 2002

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1300-  
1700

*Daniel Zinker*